

Updated List of Critical Elements of the Human Environment
(H-1790-1, Appendix 5)

The following elements of the human environment are subject to requirements specified in statute, regulation, or executive order and must be considered in all EAs and EISs. If the resource or value is not present or is not affected by the proposed action or alternatives, this may be documented in the EA or EIS as a negative declaration (See BLM Handbook H-1790-1 Appendix 5). Consult program-specific guidance to determine if a negative declaration is required for certain actions (Some BLM Manuals may have been deleted from the Directives System or replaced with new guidance per WO-IM-96-147 and E.O. 12861 “Elimination of One Half of Executive Branch Internal Regulations”).

Critical Element	Relevant Authority	BLM Manual or Regulation
Air Quality	-Clean Air Act, as amended (42 USC 7401 et seq.); Section 176(c) CAA – General Conformity	MS 7300 40 CFR 93 subpart B
Areas of Critical Environmental Concern	-Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.)	MS 1617
Cultural Resources	-National Historic Preservation Act, as amended (16 USC 470)	MS 8100
Environmental Justice	-E.O. 12898 “Federal Actions to Address Environmental Justice in Minority and Low Income Populations” 2/11/94	
Farm Lands (Prime and Unique)	-Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 et seq.) -Farmland Protection Policy Act (7 USC 4202 et seq.)	7 CFR 658.4
Floodplains	-E.O. 11988, as amended “Floodplain Management” 5/24/77	MS 7260
Invasive, Nonnative Species	-Lacey Act, as amended -Federal Noxious Weed Act of 1974, as amended -Endangered Species Act of 1973, as amended -E.O. 13112, Invasive Species, 2/3/99	MS 1745 MS 6840 MS 9011 MS 9014 MS 9015
Migratory Birds	-E.O. 13186 “Migratory Birds” 1/10/01 -Migratory Bird Treaty Act (16 USC 703 – 711)	50 CFR 10, 17
Native American	-American Indian Religious	MS 8100

Religious Concerns	Freedom Act of 1978 (42 USC 1996)	H-8160-1
Threatened or Endangered Species	-Endangered Species Act of 1973 as amended (16 USC 1531)	MS 6840
Wastes, Hazardous or Solid	-Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) -Comprehensive Environmental Response, compensation, and Liability Act of 1980, as amended (42 USC 9615)	MS 9180 MS 9183
Water Quality (Surface and Ground)	-Safe Drinking Water Act, as amended (42 USC 300f et seq.) -Clean Water Act of 1977 (33 USC 1251 et seq.) -E.O. 12088, “Federal Compliance with Pollution Control Standards” (Amended by E.O. 12580, “Superfund Implementation”), 10/13/78, 2/23/87 -E.O. 12372, “Intergovernmental Review of Federal Programs”, 7/14/82	MS 7240 MS 9184
Wetlands/Riparian Zones	-E.O. 11990, “Protection of Wetlands” 5/24/77	MS 6740
Wild and Scenic Rivers	-Wild and Scenic Rivers Act as amended (16 USC 1271)	MS 8014
Wilderness	-Federal Land Policy and Management Act of 1976 (43 USC 1710 et seq.) -Wilderness Act of 1964 (16 USC 1131 et seq.)	MS 8500